

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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<b>LARYSSA JOCK, et al.,</b>	:	Index No. 1:08 CV 2875 (JSR)
Plaintiffs,	:	U.S. District Judge Jed S. Rakoff
on behalf of themselves and	:	
others similarly situated,	:	
-against-	:	
<b>STERLING JEWELERS INC.,</b>	:	<b>NOTICE OF MOTION TO STRIKE</b>
Defendant.	:	<b>COUNTERCLAIMS FROM THE</b>
	:	<b>PLEADINGS PURSUANT TO RULE</b>
	:	<b>12(f) OR, IN THE ALTERNATIVE,</b>
	:	<b>MOTION TO DISMISS</b>
	:	<b>COUNTERCLAIMS PURSUANT TO</b>
	:	<b>RULE 12(b)(6)</b>
----- X		

PLEASE TAKE NOTICE that Plaintiffs hereby move this Court for an Order striking the Counterclaims of Defendant Sterling Jewelers Inc. from the pleadings as reluctant, immaterial, and impertinent, or in the alternative, an Order dismissing Defendant's Counterclaims for failure to state a claim upon which relief can be granted. In accordance with the Court's instructions during the telephone conference on May 20, 2008, at which time the Court granted Plaintiffs' request for an extension until May 22, 2008 to respond to Defendant's Amended Answer and Counterclaims filed on May 20, 2008, Plaintiffs hereby serve their Notice of Motion and Memorandum of Law in Support of their Motion to Strike Counterclaims from the Pleadings Pursuant to Rule 12(f) or, in the Alternative, Motion to Dismiss Counterclaims Pursuant to Rule 12(b)(6) on May 22, 2008. Defendant is to serve its opposition papers by June 2, 2008, Plaintiffs are to serve their reply papers on the morning of June 9, 2008 with a courtesy copy of papers delivered to the Court, and a hearing is scheduled before the Honorable Jed S. Rakoff, United

States District Judge, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, NY 10007-1312 on June 12, 2008 at 5:30 p.m.

Dated: May 22, 2008

Respectfully submitted,

**BURR & SMITH, LLP**

/s/ Sam J. Smith

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*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 22nd day of May, 2007, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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/s/ Sam J. Smith  
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